

EXHIBIT 1—12/8/2015 Email

EXHIBIT 1—12/8/2015 Email

Monday, June 13, 2016 at 11:50:14 AM Eastern Daylight Time

Subject: FW: Kinzer v Allegiant

Date: Friday, June 3, 2016 at 4:55:31 PM Eastern Daylight Time

From: Mike Pangia

To: Douglas Desjardins

From: Mike Pangia

Sent: Tuesday, December 08, 2015 4:03 PM

To: 'veronica.hall@jacksonlewis.com'; 'steven.anderson@jacksonlewis.com'

Cc: Sean W. McDonald (SMcDonald@theurbanlawfirm.com)

Subject: Kinzer v Allegiant

Dear Ms. Hall and Mr. Anderson:

We, along with the Urban Law firm, are representing the plaintiff, Jason Kinzer, and are reaching out to you concerning the recent Notice of Removal to the Federal Court. We see no legal basis for this removal and no case law that would support it in any way. Although Federal Aviation Regulations may be referenced in the cause of action, this is obviously a state cause of action and not one existing by reason of federal law. Under the well-pleaded complaint rule Federal District Courts do not have original jurisdiction unless the federal issue appears on the face of the complaint. *Caterpillar Inc v Williams* 482 U.S. 386,392 (1987). This action is not removable under diversity jurisdiction since Allegiant is a citizen of the State of Nevada. See: 28 U.S.C. § 1441(b). In order not to waste time and expense of both parties as well as the Court, we invite you to join us in a motion for remand.

Should you wish to discuss this further or if you believe we have misinterpreted the law, please feel free to give a call at 202 955 6450. Mike Pangia